

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

T.S., on behalf of T.A., a minor,

Plaintiff,

v.

SEATTLE SCHOOL DISTRICT NO. 1,

Defendant.

C21-0617 TSZ

ORDER

THIS MATTER is currently set for trial to commence with jury selection on Friday, January 17, 2025. The Court has already summoned prospective jurors. Plaintiff has not timely responded to defendant's motions in limine, docket no. 61, has not filed a trial brief or proposed voir dire questions, which were due on January 3, 2025, see Minute Order (docket no. 55), and has not participated in the process of preparing and submitting an agreed pretrial order and a set of agreed and/or disputed proposed jury instructions, see Sweeney Decl. at ¶¶ 2–7 (docket no. 68).

By Minute Order entered December 27, 2024, docket no. 64, the Court directed plaintiff's counsel to file a status report indicating whether T.S. has power of attorney for or is otherwise authorized to act on behalf of T.A., who has apparently reached the age of

1 eighteen (18) during the course of this litigation. In the same Minute Order, docket
2 no. 64, the Court directed plaintiff to show cause why defendant's motions in limine,
3 docket no. 61, should not be granted and why plaintiff's remaining claims should not be
4 dismissed for failure to prosecute. The deadlines for plaintiff's counsel to file the
5 requested status report and for plaintiff to show cause have now expired, and neither
6 plaintiff nor her counsel has filed the requisite documents or responded in any way.
7 Now, therefore, the Court ORDERS:

8 (1) The trial date and the pretrial conference set for Friday, January 10, 2025,
9 as well as defendant's motions in limine, docket no. 61, and any remaining deadlines, are
10 hereby STRICKEN;

11 (2) T.A.'s remaining claims for negligent retention and/or pre-incident
12 supervision, as alleged in portions of Claims G and H of the Complaint, docket no. 1, are
13 DISMISSED without prejudice for failure to prosecute; the Court CONCLUDES that
14 such dismissal must be without prejudice because the record reflects uncertainty
15 concerning whether T.S. continues to have authority to pursue such claims on T.A.'s
16 behalf and, as a result, the actions or omissions of T.S. and/or T.S.'s attorney Shannon
17 McMinimee¹ cannot be imputed to T.A.; see Fed. R. Civ. P. 41(b);

18 (3) The Clerk is DIRECTED to enter judgment consistent with this Order and
19 the Order entered March 24, 2023, docket no. 46, against T.S., individually and on behalf
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21 ¹ Defendant's request for sanctions against Ms. McMinimee, see Sweeney Decl. at ¶ 8 (docket
22 no. 68), is DENIED.

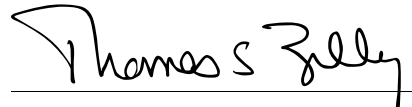
1 of T.A., and in favor of defendant Seattle School District No. 1, which may tax costs in
2 the manner set forth in Local Civil Rule 54(d); and

3 (4) The Clerk is further DIRECTED to send a copy of the above-referenced
4 judgment and this Order to all counsel of record, and to CLOSE this case.

5 (5) Plaintiff's counsel Shannon McMinimee is DIRECTED to serve a copy of
6 this Order on plaintiff T.S., as well as putative plaintiff T.A., and to file proof of such
7 service within seven (7) days of the date of this Order.

8 IT IS SO ORDERED.

9 Dated this 7th day of January, 2025.

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12 Thomas S. Zilly
13 United States District Judge
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